

REMARKS

As indicated above, claim 5 has been canceled without prejudice or disclaimer.

Claims 1, 7 and 8 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. The applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated December 24, 2002.

Claims 1, 2, 5 - 8, 10 and 11 are currently pending in this patent application, claims 3, 4 and 9 having been withdrawn as non-elected claims. The pending claims are directed to the elected species of the applicant's Figures 8 - 11.

The following anticipation rejections are set forth in the outstanding Action:

- 1) independent claim 7 stands rejected under 35 USC §102(b) based on Haber (U.S. Patent No. 5,356,384); and
- 2) independent claim 8 and claim 11 stand rejected under 35 USC §102(b) as being anticipated by Bruno (U.S. Patent No. 5,067,223).

The applicant respectfully requests reconsideration of these rejections.

A significant claimed structural arrangement of the applicant's claimed disposable syringe device auxiliary unit for preventing iatrogenic infection through a needle, as now set forth in each of claims 1, 7 and 8, includes the claimed cap holding section, which comprises a cap length adjustment section for enabling caps having a different length to be disposed.

Haber teaches a syringe needle recapping apparatus having a resilient gripping element 25a, 25b in which:

[a] spring is mounted about the connecting pin 25c and is positioned to engage both gripping elements 25a and 25b in order to resiliently urge the gripping surfaces toward each other. In this manner, a needle cap C may be resiliently held in a standup, vertical position as shown in FIGS. 2, 3 and 4.¹

Bruno teaches a method for detaching a hypodermic syringe needle in which a:

[n]eedle hub engaging member 42 comprises a base portion 42a formed integrally with a pair of opposed finger members 42b and 42c. Base 42a and finger members 42b and 42c define a stepped needle receiving and engaging slot 44 comprising a generally rectangular shaped slot portion 44a and a generally U-shaped slot portion 44b formed contiguous therewith.²

The Examiner, in item 3, page 2 of the outstanding Action, considers Bruno's "generally U-

¹ Please see, lines 51-56, column 3 in Haber.

² Please see, line 27-34, column 9 in Bruno.

shaped slot portion 44b" as a "needle separating section 44b."

It is the applicant's position that significant structural arrangements of the applicant's disposable syringe device auxiliary unit include the cap length adjustment members 86a, 86b in which:

[a]s shown in FIGS. 9A and 9B, the cap holding auxiliary unit 82 is composed of an auxiliary unit main body 84, cap length adjustment members 86a and 86b which are integrated together by, for example, countersink screws 85, and an elastic block 83 clamped between a pair of elastic member holding sections 84a.

* * *

The cap length adjustment members 86a and 86b, which act as a cap length adjusting section, are formed in thicknesses corresponding to cap lengths and fixed on the bottom of the auxiliary unit main body 84.

Emphasis added.

It is also the applicant's position that such cap length adjustment members 86a, 86b for accommodating the different types of cap lengths are not considered in either Haber or Bruno. As such, the applicant has highlighted such distinguishable structural arrangements in each of independent claims 7 and 8.

In view of the above, the applicant respectfully submits that not all of the applicant's claimed elements, as now set forth in each of independent claims 7 and 8, are found in exactly the same

situation and united in the same way to perform the identical function in the device of either Haber or Bruno. Thus, there can be no anticipation of the applicant's claimed invention, as now set forth in claims 7, 8 and 11 (depending from claim 8), under 35 USC §102(b) based on either Haber or Bruno.

Accordingly, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on Haber (U.S. Patent No. 5,356,384) or Bruno (U.S. Patent No. 5,067,223) is in order, and is therefore respectfully solicited.

Independent claim 1, and claims 2, 5, 6 and 10 stand rejected under 35 USC §103(a) based on Haber in view of Bruno. The applicant respectfully requests reconsideration of this rejection.

As discussed above, neither Haber or Bruno teaches the applicant's cap length adjustment members 86a, 86b for accommodating different cap lengths. As such, as in independent claims 7 and 8, the applicant has incorporated the above-discussed distinguishable structural arrangements in independent claim 1.

The applicant further respectfully submits that, first, the claimed disposable syringe device auxiliary unit is characterized not only in that it is provided with a cap length adjustment section, but also in that the cap can be removed and mounted with one hand and by a simple single motion; i.e., since it is possible to remove and mount the cap easily and reliably with one hand, occurrence

of a medical disaster caused by an accidental needle stick in the other hand can be surely prevented.

In contrast to this, it is respectfully noted that in the holding section disclosed in Haber, an operation (such as, opening the clip-like holding section with the other hand) is needed in order to hold the cap.

Secondly, in the applicants' claimed disposable syringe device auxiliary unit, consideration has also been made to enable the use of it even during the operation; i.e., the claimed disposable syringe device auxiliary unit is of such structural arrangement that it can be placed in a stable manner on a table on which machines or devices are placed. Further, parts of it can be separated so that they may be individually sterilized.

Hence, the claimed disposable syringe device auxiliary unit is used in a fixed state during operation; thereby, making it possible that, first, when the cap is removed, losing the cap is prevented; and further, the work to separate the cap and mount the cap repeatedly in order that the syringe sucks chemical, in a sterilized state, can be made while medical disaster caused by an accidental needle stick is surely prevented.

Thirdly, the applicant's claimed disposable syringe device auxiliary unit can be easily conveyed by the person engaged in the medical work; i.e., it is superior in terms of portability. Hence, in each situation requiring medical assistance, it is possible to prevent a medical disaster

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caused by an accidental needle stick by bringing the claimed disposable syringe device auxiliary unit to any place requiring assistance (such as, at a bed side).

In view of the above, even if, *arguendo*, the teachings of Haber and Bruno can be combined in the manner suggested by the Examiner, such combined teachings would still fall far short in fully meeting the applicant's claimed disposable syringe device auxiliary unit, as now set forth in amended claim 1, and claims 2, 5 and 6 which depend therefrom, as well as claim 10 which depends from independent claim 7 (claim 7 now having the same limitation regarding the claimed cap length adjustment section discussed above with respect to claim 1). As such, a person of ordinary skill in the art would not have found the applicant's claimed invention obvious under 35 USC §103(a) based on Haber and Bruno, singly or in combination.

Accordingly, the withdrawal of the outstanding obviousness rejection under 35 USC §103(a) based on Haber in view of Bruno is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made

H:\HOME\MEL\TRANSFER\011650 AMENDMENT due 3-24-03

IN THE CLAIMS:

Cancel claim 5 without prejudice or disclaimer.

Amend claims 1, 7 and 8 as follows:

1. (Amended) A disposable syringe device auxiliary unit for preventing iatrogenic infection through a needle, comprising:

a cap holding section for disposing and holding therein a cap which covers, when a medical treatment is performed, a needle positioned at the extreme end of a syringe barrel constituting a disposable syringe device; and

a needle separating section for separating the needle, which is covered with the cap and fitted on an end of the syringe barrel, therefrom,

wherein the cap holding section comprises a cap length adjustment section for enabling caps having a different length to be disposed.

7. (Amended) A disposable syringe device auxiliary unit for preventing iatrogenic infection infecting through a needle, comprising:

a cap holding section for disposing and holding therein a cap which covered, when a medical treatment was performed, a needle positioned at the extreme end of a syringe barrel constituting a disposable syringe device,

wherein the cap holding section comprises a cap length adjustment section for enabling caps having a different length to be disposed.

8. (Amended) A disposable syringe device auxiliary unit for preventing iatrogenic infection infecting through a needle, comprising:

a needle separating section for separating the needle, which is covered with the cap and fitted on an end of the syringe barrel, therefrom,

wherein the cap holding section comprises a cap length adjustment section for enabling caps having a different length to be disposed.